COUNCIL OF
THE EUROPEAN UNION

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EU Guidelines on the promotion and protection of freedom of religion or belief

FOREIGN AFFAIRS Council meeting
Luxembourg, 24 June 2013

The Council adopted the following guidelines:

I. Introduction

A. Reason for Action

1. The right to freedom of thought, conscience, religion or belief[1], more commonly referred to as the right to freedom of religion or belief (FoRB) is a fundamental right of every human being. As a universal human right, freedom of religion or belief safeguards respect for diversity. Its free exercise directly contributes to democracy, development, rule of law, peace and stability. Violations of freedom of religion or belief may exacerbate intolerance and often constitute early indicators of potential violence and conflicts.

2. All persons have the right to manifest their religion or belief either individually or in community with others and in public or private in worship, observance, practice and teaching, without fear of intimidation, discrimination, violence or attack. Persons who change or leave their religion or belief, as well as persons holding non-theistic or atheistic beliefs should be equally protected, as well as people who do not profess any religion or belief.

3. Violations or abuses of freedom of religion or belief, committed both by state and non-state actors, are widespread and complex and affect people in all parts of the world, including Europe.

B. Purpose and scope

4. In promoting and protecting freedom of religion or belief, the EU is guided by the universality, indivisibility, inter-relatedness and interdependence of all human rights, whether civil, political, economic, social or cultural.

5. In line with universal and European human rights standards[2], the EU and its member States are committed to respecting, protecting and promoting freedom of religion or belief within their borders.

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1 See article 18 of the UDHR and article 18 of the ICCPR.

2 In Europe, freedom of religion or belief is notably protected by Article 9 of the European Convention on Human Rights and Article 10 of the EU Charter of Fundamental Rights. See Annex for a non-exhaustive list of international norms and standards.

6. With these Guidelines, the EU reaffirms its determination to promote, in its external human rights policy, freedom of religion or belief as a right to be exercised by everyone everywhere, based on the principles of equality, non-discrimination and universality. Through its external policy instruments, the EU intends to help prevent and address violations of this right in a timely, consistent and coherent manner.

7. In doing so, the EU focuses on the right of individuals, to believe or not to believe, and, alone or in community with others, to freely manifest their beliefs. The EU does not consider the merits of the different religions or beliefs, or the lack thereof, but ensures that the right to believe or not to believe is upheld. The EU is impartial and is not aligned with any specific religion or belief.

8. The Guidelines explain what the international human rights standards on freedom of religion or belief are, and give clear political lines to officials of EU institutions and EU Member States, to be used in contacts with third countries and with international and civil society organisations. They also provide officials with practical guidance on how to seek to prevent violations of freedom of religion or belief, to analyse cases, and to react effectively to violations wherever they occur, in order to promote and protect freedom of religion or belief in the EU's external action.

C. Definitions

9. Freedom of religion or belief is enshrined in Articles 18 of both the Universal Declaration of Human Rights (UDHR) and of the International Covenant on Civil and Political Rights (ICCPR), which should be read in the light of the UN Human Rights Committee's General Comment n°22.

Under international law, FoRB has two components:

(a) the freedom to have or not to have or adopt (which includes the right to change) a religion or belief of one’s choice, and

(b) the freedom to manifest one's religion or belief, individually or in community with others, in public or private, through worship, observance, practice and teaching.

10. In line with these provisions, the EU has recalled that "*freedom of thought, conscience, religion or belief, applies equally to all persons. It is a fundamental freedom that includes all religions or beliefs, including those that have not been traditionally practised in a particular country, the beliefs of persons belonging to religious minorities, as well as non-theistic and atheistic beliefs. The freedom also covers the right to adopt, change or abandon one's religion or belief, of one's own free will.*"[3]

-- Right to have a religion, to hold a belief, or not to believe

11. Theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief are protected under article 18 ICCPR[4]. The terms “belief” and “religion” are to be broadly construed and the article's application should not be limited to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. States should not restrict the freedom to hold any religion or belief. Coercion to change, recant or reveal one’s religion or belief is equally prohibited.

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[3] Council Conclusions on Freedom of religion or belief; 16 November 2009.

[4] See General Comment n°22.

12. Holding or not holding a religion or belief is an absolute right and may not be limited under any circumstances[5].

-- Right to manifest one's religion or belief

13. Article 18 of the ICCPR recognises the right of people to "manifest" their religion or belief, alone or in community with others, both publicly and privately. This freedom to manifest religion or belief e.g. in worship, observance, practice and teaching, potentially "*encompasses a broad range of acts"*[6], whose close and direct link with a religion or belief must be looked at on a case-by case basis.

14. As opposed to the freedom to have a religion, to hold a belief or not to believe, the freedom to manifest one's religion or belief may be subject to limitations, but "*only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.*"[7] These limitations must be in accordance with international standards and must be strictly interpreted. Limitations for other reasons, such as national security, are not permitted. Based on article 18.3 of the ICCPR and as developed in General Comment 22, any limitations must meet with the following criteria: they must be established by law, not applied in a way that vitiate the rights guaranteed in article 18, only applied for those purposes for which they were prescribed, directly related and proportionate to the specific need for which they were designed, and not imposed for discriminatory purposes or applied in a discriminatory manner. Where restrictions are justified on the basis of a need to protect public morals, such restrictions must be based on principles not deriving exclusively from a single tradition, as the concept of morals derives from many social, philosophical and religious traditions. Furthermore, any such limitations must be understood in the light of universality of human rights and the principle of non-discrimination.[8]

II. Operational Guidelines

A. Basic Principles of Action

15. EU action on freedom of religion or belief will be based on the following overriding principles:

1. Universal character of freedom of religion or belief

16. Freedom of thought, conscience, religion or belief applies to all persons equally.[9] It is a universal human right that needs to be protected everywhere and for everyone,[10] regardless of who they are, where they live, and what they believe or do not believe in.

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5 Not even in time of public emergency – see article 4.2 of the ICCPR.

6 See indicative examples of paragraph 4 of the General Comment n°22.

7 See art 18.3 ICCPR.

8 See General Comment n°34.

9 Council Conclusions on Freedom of religion or belief, 16 November 2009.

10 Council Conclusions on intolerance, discrimination and violence on the basis of religion or belief, 21 February 2011.

17. The universality of freedom of religion or belief is based on the Universal Declaration of Human Rights and international treaties,[11] such as the ICCPR. Regional human right treaties[12] can also be referred to as appropriate to the extent that they are consistent with the ICCPR.

2. *Freedom of religion or belief is an individual right which can be exercised in community with others*

18. Freedom of religion or belief protects every human being's right to believe or to hold an atheistic or non-theistic belief, and to change religion or belief. It does not protect a religion or belief as such. Freedom of religion or belief applies to individuals, as right-holders, who may exercise this right either individually or in community with others and in public or private. Its exercise may thus also have a collective aspect.

19. This includes rights for communities to perform "*acts integral to the conduct by religious groups of their basic affairs*"[13]**.** These rights include, but are not limited to, legal personality and non-interference in internal affairs, including the right to establish and maintain freely accessible places of worship or assembly, the freedom to select and train leaders or the right to carry out social, cultural, educational and charitable activities.

20. There are no rights exclusive to holders of any particular religion or belief: all rights whether in regard to the freedom to believe or to manifest one's religion or belief, are universal and are to be respected on a non-discriminatory basis.

3. Primary role of States in ensuring freedom of religion or belief

21. States must ensure that their legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion or belief to all, which are applicable to their entire territory without exclusion or discrimination, and that these provisions are properly enforced.

22. States have a primary duty to protect all individuals living in their territory and subject to their jurisdiction, including persons holding non-theistic or atheistic beliefs, persons belonging to minorities[14], and indigenous peoples[15] and to safeguard their rights. States must treat all individuals equally without discrimination on the basis of their religion or belief[16]**.**

23. States must put in place effective measures in order to prevent or sanction violations of freedom of religion or belief when they occur, and ensure accountability.

24. Moreover, parties to the ICCPR have an obligation to prohibit any public advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence[17]**.** States should condemn all acts of violence and bring perpetrators to justice.

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[11] A non exhaustive list of relevant treaties and declarations can be found in the Annex of these Guidelines.

[12] African Charter on Human and Peoples' Rights; American Convention on Human Rights; Revised Arab Charter on Human Rights; European Convention on Human Rights.

[13] See general Comment n°22, paragraph 4.

[14] See article 27 of the ICCPR, with specific reference to religious minorities, and UN declaration 47/135 on the rights of persons belonging to minorities, article 2.

[15] See UN declaration 61/295 on the rights of indigenous peoples, article 11 and 12.

[16] See article 26 of the ICCPR.

[17] Article 20 paragraph 2 of the ICCPR; such a prohibition was enforced in EU legislation through the 2008 EU framework decision on combating racism and xenophobia, under which

4. <u>Connection with the defence of other human rights and with other EU guidelines on human rights</u>

25. Freedom of religion or belief is intrinsically linked to freedom of opinion and expression, freedom of association and assembly as well as to other human rights and fundamental freedoms all of which contribute towards the building of pluralistic, tolerant, and democratic societies. Expression of a religious or non-religious belief, or of an opinion concerning a religion or belief, is also protected by the right to freedom of opinion and expression enshrined in Article 19 of the ICCPR.

26. Certain practices associated with the manifestation of a religion or belief, or perceived as such, may constitute violations of international human rights standards. The right to freedom of religion or belief is sometimes invoked to justify such violations. The EU firmly opposes such justification, whilst remaining fully committed to the robust protection and promotion of freedom of religion or belief in all parts of the world. Violations often affect women, members of religious minorities, as well as persons on the basis of their sexual orientation or gender identity.

27. In dealing with possible violations, use will be made of existing EU human rights guidelines, notably the guidelines on the promotion and protection of rights of the child, on violence against woman and girls and combating all forms of discrimination against them, on human rights defenders, on torture and on the death penalty, as well as the forthcoming EU guidelines on the enjoyment of all human rights by LGBTI persons, and on freedom of expression on line and off line.

B. Priority Areas of Action

28. When addressing freedom of religion or belief, the EU will pay special attention to the following themes, which are all of equal importance:

1. <u>Violence</u>

29. States have an obligation to guarantee human rights protection, and to exercise due diligence to prevent, investigate and punish acts of violence against persons based on their religion or belief. Violence or the threat thereof – such as killing, execution, disappearance, torture, sexual violence, abductions and inhuman or degrading treatment – are widespread phenomena that have to be addressed. Such violence may be committed by state or non-state actors, based on the actual or assumed religion or belief of the targeted person or based on the religious or convictional/ideological tenets of the perpetrator.

30. The EU will:

a. Publicly condemn the execution or killing of individuals and other acts of grave violence on the grounds of religion or belief. The EU will also consider additional sanctions, where appropriate.
b. Demand immediate accountability of state or non-state perpetrators of such violence and follow judicial proceedings to ensure that justice is delivered.

Member States have to punish with dissuasive penalties public incitement to violence or hatred directed against a group of persons or a member of such a group defined, notably, on the basis of religion or belief.

c. Strongly encourage state and other influential actors in a society, whether religious or not, to speak out against acts of violence and to publicly denounce such acts at the highest level, particularly in cases where officials actively encourage or condone attacks on individuals or communities and property, including places of worship or meeting, or historical religious sites.
d. Protest when state officials or influential non-state actors spread inflammatory messages about the holders of certain religious or other beliefs, including theistic, non-theistic or atheistic persuasions, especially when they openly call for, or justify, violence against them.
e. Demand the national adoption of laws that prohibit public advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence (Art. 20 paragraph 2 of the ICCPR).
f. Consistently condemn any violence against women and girls, including "honour" killings, female genital mutilation, early and forced marriages, as well as violence against persons on the basis of their sexual orientation or gender identity including situations when violence is perpetrated under the pretext of a religious prescription or practice. The EU shall promote initiatives, including legislation, to prevent and criminalize such violence.

2. Freedom of expression

31. Freedom of religion or belief and the freedom of expression are interdependent, interrelated and mutually reinforcing rights, protecting all persons - not religions or beliefs in themselves - and protecting also the right to express opinions on any or all religions and beliefs. Censorship and restrictions on the publication and distribution of literature or of websites related to religion or belief are common violations of both of these freedoms, and impair the ability of individuals and communities to practice their religion or belief. Limitations to the right to express opinions on religion or belief are a source of great vulnerability for people belonging to religion or belief minorities, but also affect majorities, not least persons holding non-traditional religious views. Taken together, freedom of religion or belief and freedom of expression play an important role in the fight against all forms of intolerance and discrimination based on religion or belief.

32. In the event that violence is threatened or carried out, or restrictions are imposed in connection with an expression of opinions on religion or belief, the EU will be guided by the following principles:

a. When critical comments are expressed about religions or beliefs and such expression is perceived by adherents as being so offensive that it may result in violence towards or by adherents, then:

- If there is a *prima facie* case that this expression constitutes hate speech, i.e. falls within the strict scope of article 20 paragraph 2 of the ICCPR (which prohibits any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence), the EU will denounce it, and demand that it be investigated and tried by an independent judge.
- If this expression does not rise to the level of incitement prohibited under article 20 of the ICCPR, and is thus an exercise of free speech, the EU will:
  - i. Resist any calls or attempts for the criminalisation of such speech;
  - ii. Individually or jointly with States or regional organisations, endeavour to issue statements calling for no violence to be committed and condemning any violence committed in reaction to such speech;
  - iii. Encourage state and other influential actors, whether religious or non-religious, to speak out and to engage in constructive public debate concerning what they see as offensive speech, condemning any form of violence;

iv. Recall that the most effective way to combat a perceived offense from the exercise of freedom of expression is the use of freedom of expression itself. Freedom of expression applies online as well as offline[18]. New forms of media as well as information and communications technology provide those who feel offended by criticism or rejection of their religion or belief with the tools to instantly exercise their right of reply.

- In any case, the EU will recall, when appropriate, that the right to freedom of religion or belief, as enshrined in relevant international standards, does not include the right to have a religion or a belief that is free from criticism or ridicule[19].

b. When faced with restrictions to freedom of expression in the name of religion or belief, the EU will:

- Recall that restrictions to freedom of expression shall only be such as are prescribed by law and are necessary to safeguard the rights or reputation of others, or for the protection of national security or of public order *(ordre public)* or of public health or morals,[20] and that no national security restriction is permissible for freedom of religion and belief[21].
- Defend the fact that sharing information about religions or beliefs and engaging in persuasion on these matters is protected under international law, provided that such persuasion is neither coercive nor impairs the freedom of others.
- Recall at all appropriate occasions that laws that criminalize blasphemy restrict expression concerning religious or other beliefs; that they are often applied so as to persecute, mistreat, or intimidate persons belonging to religious or other minorities, and that they can have a serious inhibiting effect on freedom of expression and on freedom of religion or belief; and recommend the decriminalisation of such offences.
- Forcefully advocate against the use of the death penalty, physical punishment, or deprivation of liberty as penalties for blasphemy.
- Recall that international human rights law protects individuals, not Religion or Belief *per se*. Protecting a religion or belief may not be used to justify or condone a restriction or violation of a human right exercised by individuals alone or in community with others.

3. ***Promotion of respect for diversity and tolerance***

33. The promotion of religious tolerance, respect for diversity and mutual understanding are of utmost importance with a view to creating an environment conducive to the full enjoyment by all persons of freedom of religion or belief.

34. The EU will:

a. Encourage state and other influential actors, whether religious or non-religious, to refrain from fostering inter-religious tensions, either by law or practice, to support pertinent initiatives to promote an atmosphere of respect and tolerance between all persons regardless of their religion or belief, and to defuse emerging tensions.

b. Call on states to promote, through the educational system and other means, respect for diversity and mutual understanding by encouraging a wider knowledge of the diversity of religions and beliefs within their jurisdiction.

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[18] See UN Human Rights Council resolution 20/8.

[19] See paragraph 19 of the conclusions of the Rabat Plan of Action on incitement to hatred, 5 October 2012.

[20] Article 19.3 ICCPR.

[21] Article 18.3 ICCPR. See also General Comments n° 22 and 34.

c. Make use of all available tools, including the financial instruments, to promote a culture of mutual respect, diversity, tolerance, dialogue and peace and coordinate, as appropriate, with regional and international organisations in order to do so.

4. *Discrimination*

35. States have a duty to protect all persons within their jurisdiction from direct and indirect discrimination on grounds of religion or belief, whatever the reasons advanced for such discrimination. This includes the duty to rescind discriminatory legislation, implement legislation that protects freedom of religion or belief, and halt official practices that cause discrimination, as well as to protect people from discrimination by state and other influential actors, whether religious or non-religious

36. Beliefs or practices that are, or allegedly are, traditional are often used to justify discrimination or coercion on the basis of religion or belief. Examples of this include denial of access to employment or education for women, bride kidnapping, early and forced marriage or female genital mutilation. Communities do not have the right to violate the rights of individual members of that community. All individuals, including women and girls, have the right to a religion or belief of their own individual choice, including not to have a religion or belief. Attention needs also to be paid to discrimination against ethnic groups, persons on the basis of their sexual orientation or gender identity, or adherents to certain doctrinal interpretations.

37. The EU will:

a. Condemn and take appropriate action (demarches, public statements, support for CSOs and HRDs, etc.) against all forms of intolerance and discrimination against persons because of their religion or belief as contrary to the right to equality and non-discrimination in the enjoyment of human rights (Art 2 and 26 of the ICCPR, Art 2 of the ICESCR).
b. Issue a démarche when constitutional and legal provisions of a state promote, encourage or permit such discriminations. The EU shall offer its technical assistance in order to help bring such provisions in line with international legal obligations.
c. Pay particular attention to practices and legislation discriminating against women, children and migrants on grounds of religion or belief, including discrimination in and denial of access to education, coercion related to the wearing of religious symbols, employment, participation in public life, unequal family rights, transmission of nationality, free circulation and establishment of residence, lack of impartial administration of justice, property rights, etc.
d. Support international, state, and non-state actors in their efforts to educate the broader population on international legal standards and on the destructive effects of discrimination on its victims and on the well-being of society at large.

5. *Changing or leaving one's religion or belief*

38. Limitations to the absolute right to change or leave one's religion or belief are among the most common violations of freedom of religion or belief[22]**.** These limitations can have a severe impact on converts and individuals leaving their religion or belief and their families, both due to state actions (e.g. imprisonment, loss of child custody, disinheritance, loss of property rights) and due to violent acts by non-state actors, such as "honour killings".

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[22] See in this regard report of UNSR on Freedom of religion or belief to the UNGA, 13 August 2012, A/67/603.

39. The EU will:

- Call on states to repeal legal provisions penalising or discriminating against individuals for leaving or changing their religion or belief or for inducing others to change a religion or belief especially when cases of apostasy, heterodoxy, or conversion are punishable by the death penalty or by long prison terms.[23]
- Condemn the use of coercive measures against individuals in their choice or exercise of religion or belief. States must impartially apply measures against coercion in religion or belief.

6. Manifestation of religion or belief

40. Individuals, have the right to decide for themselves whether and how they wish to manifest their religion or belief. Limitations to this freedom have to be strictly interpreted.[24] Manifestation of one's religion or belief can take many forms. This includes the right of children to learn about the faith/belief of their parents, and the right of parents to teach their children in the tenets of their religion or belief. It also includes the right to peacefully share one's religion or belief with others, without being subject to the approval of the state or another religious community. Any limitation on freedom of religion or belief, including regarding places of worship and state registration of religious or belief groups, must be exceptional and in compliance with international standards.

41. Frequent restrictions by States include the denial of legal personality to religious and belief communities, the denial of access to places of worship/meeting and burial, the punishment of unregistered religious activity with exorbitant fines or prison terms, or the requirement for children from religious and belief minorities to receive confessional education in the beliefs of the majority. Several states do not recognize the right to conscientious objection to military service as part of the legitimate exercise of the freedom of religion or belief, deriving from article 18 of the ICCPR[25]. Abuses by non-state actors include the destruction of places of worship, the desecration of burial grounds, forced observance of religious norms and acts of violence.

42. The EU will:

a. Challenge attempts to make the exercise of human rights conditional upon state permission, for example by compulsory registration of religious or belief groups and/or the banning of unregistered religious activity.
b. Take action when requirements for religious or belief-related organisations to register are used as a means of state control rather than to facilitate the exercise of the freedom of religion or belief.
c. Encourage States to ensure the protection of religious heritage sites and places of worship,[26] especially when groups of people gathered in these places face threats. In cases of acts of vandalism and desecration or destruction of religious sites, the EU and Member States missions shall endeavour to visit the sites and to bring public attention to the destruction and its consequences.
d. Take action when property used for religious worship is unduly confiscated, or people are otherwise prevented from using it in the way in which it is legitimately intended.

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23 See EU Guidelines on death penalty, part III, Minimum standards paper.
24 See developments on limitations in the "Definitions" chapter of these guidelines.
25 See General Comment n°22.
26 See Joint declaration of UN experts on the "destruction of cultural and religious sites: a violation of human rights", 24 September 2012.

e. Take action when disproportionate administrative or regulatory burden are placed on the internal affairs of religion or belief groups, and their institutions or their organisations, so as to prevent manifestations of freedom of religion or belief in community with others and in public or private[27] and the exercise of the linked freedoms of association and peaceful assembly.
f. Condemn legislation that provides for discriminatory treatment of persons or groups belonging to different religions and beliefs, as well as the discriminatory application to such persons and groups of nominally neutral legislation.
g. Encourage States to respect the right to conscientious objection to military service, based on one's religion or belief, and allow for an alternative service of a non-combatant or civilian character.

7. ***<u>Support and protection for human rights defenders including individual cases</u>***

43. In line with the *EU Guidelines on Human Rights Defenders*, the EU will promote respect for and recognition of the work conducted by human rights defenders on behalf of religious groups, philosophical, non-confessional or other civil society organisations.[28]

44. The EU will react to violations of the right to freedom of religion or belief, whether perpetrated by state or non-state actors, which affect particular individuals, through demarches, statements and other actions – including raising specific cases during political dialogues - in line with the *EU Guidelines on Human Rights Defenders.*

45. EU or Member State officials will attend and observe trials of persons prosecuted for exercising their right to freedom of religion or belief. The EU or Member State officials will make every effort to visit such persons in detention or prison.

8. ***<u>Support for – and engagement with - civil society</u>***

46. The EU will make clear its full support for the efforts of civil society to promote freedom of religion or belief. The EU and its Member States will, where appropriate, continue to make available financial support to non-governmental organisations working for freedom of religion or belief. The EU will promote the visibility of local organisations working on freedom of religion or belief, through hosting or supporting public events on this issue, with special emphasis on involving different religious and belief groups. The EU will regularly consult civil society, including religious associations, non-confessional and philosophical organisations on ways to promote FoRB in its external human rights policies, as well as on individual cases.

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27 See General Comment n° 22, paragraph 4.
28 See EU Guidelines on Human Rights Defenders.

C. Tools

1. ***Monitoring, assessing and reporting***

47. EU missions (EU Delegations and Member States Embassies and Consulates) form a key component in early warning. EU missions, in co-ordination with any relevant CSDP missions, will monitor respect for freedom of religion or belief in third countries and will identify and report on situations of concern (including individual cases and systemic issues), drawing on available sources in and outside the country, including civil society, so that the EU can take prompt and appropriate action. Reports from EU Delegations should be taken up in the relevant Council Working Parties and, when appropriate, in the Political and Security Committee (PSC) in order to identify an appropriate response.

48. Through its local presence and HQ capacities, the EU will:

a. Monitor and assess the situation of freedom of religion or belief at country level, to identify progress or concerns, along the priorities and themes covered by these guidelines.
b. Maintain contact with parties concerned by violations or conflicts, local and regional authorities, local and international civil society organisations, including women organisations, human rights defenders as well as with religious and belief groups in order to be fully informed and updated on specific situations, including on individual cases, systemic issues and conflict related aspects. In these contacts, the EU will pay attention to groups within any one religion or belief system, to women and young people.
c. Include in the human rights Country Strategies and periodic reporting an analysis of the situation of freedom of religion or belief, including the occurrence of violations; detail any measures (e.g. requests made to state authorities, raising the issue in political dialogues, financing), planned or taken in response to violations.
d. Ensure follow up and reporting on individual cases and systemic issues.
e. Address freedom of religion or belief in the EU annual human rights report.

2. ***Demarches and public diplomacy***

49. The EU will raise freedom of religion or belief in appropriate high-level contacts, including at the level of the HR/VP and the EU Special Representative for Human Rights and Heads of Delegation.

50. The EU will, when appropriate, issue demarches or public statements both preventively and in response to serious violations of FoRB, such as executions, extrajudicial killings, unfair trials, outbreaks of communal violence or violent attacks. It will also consider issuing statements to highlight positive developments in the promotion and protection of freedom of religion or belief.

3. ***Political dialogues***

51. In political dialogues with partner countries and regional organisations, the EU will encourage partner countries to accede to and implement relevant international instruments, particularly the ICCPR, and to lift reservations to these instruments; it will encourage partner countries to invite UN Human Rights Special Procedures, particularly the Special Rapporteur on Freedom of Religion or Belief, and to accept and implement UN recommendations, including from treaty monitoring bodies and the Universal Periodic Review. The EU will address as appropriate systemic issues and individual cases and call on partner countries to initiate legislative changes to ensure equality before the law for individuals regarding freedom of religion or belief.

52. The EU will use political dialogues to encourage co-operation and coordination efforts to promote freedom of religion or belief in multilateral fora and will support the dissemination of best practices at regional level.

4. EU and Member State visits

53. The EU will ensure that EU institutions and Member States visiting third countries are fully briefed on the situation of freedom of religion or belief. Such visits will, when appropriate, raise the priorities and themes covered by these guidelines with local counterparts and meet with human rights defenders.

5. Use of external financial instruments

54. Freedom of religion or belief will remain one of the priorities of the European Instrument for Democracy and Human Rights (EIDHR), including through funding for human rights defenders projects and assistance to individuals under immediate threat. Other EU geographic and thematic funding instruments will also be used as appropriate to promote freedom of religion or belief in cooperation with partner countries. Attention will be given to capacity building and training projects for mediation in prevention or resolution of violence and conflict based on religion or belief[29].

55. EU Delegations can support civil society projects on freedom of religion or belief under the Country-Based Support Schemes (CBSS). Human rights projects with a wider scope on promotion of human rights, anti-discrimination, right of persons belonging to minorities, indigenous peoples, respect for diversity, tolerance and intercultural understanding, as well as tackling the root causes of conflict and fighting against impunity will also contribute to protecting the right to freedom of religion or belief.

56. Member States, the EEAS and the Commission services will, where appropriate, share information on projects financed in third countries in the field of freedom of religion or belief, to allow better coordination and efficient use of resources.

57. Violations of freedom of religion or belief will be taken into account by the EU when deciding on appropriate measures under human rights clauses in agreements with third countries, including the possible suspension of the cooperation, notably as regards financial assistance.

6. Promoting FoRB in multilateral fora

58. The EU will ensure that freedom of religion or belief remains prominently on the UN agenda, featuring a strong human rights approach, and that the UN continues to provide a strong response to violations of freedom of religion or belief and acts of intolerance and violence based on religion or belief.

59. The EU will continue to work actively at the UN to ensure strong cross-regional support for the promotion and defence of freedom of religion or belief, the mandate of the Special rapporteur on FoRB, and the implementation of the relevant UN resolutions in that field.

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[29] See also "EU concept on strengthening EU mediation and dialogue capacities" (2009).

60. The EU will also engage in the fight against all forms of intolerance and discrimination on grounds of religion or belief, and the implementation of the relevant UN resolutions in that field, as well as in initiatives in the field of intercultural and inter-religious dialogue in the spirit of openness, engagement, and mutual understanding, including in the framework of UNESCO, the UN Alliance of Civilisations, the Anna Lindh Foundation, and the Istanbul process.

61. The EU considers these efforts as complementary to the full and effective promotion of the right to freedom of religion or belief, and in engaging, the EU will strive for consistent references to "freedom of religion or belief" and for upholding in all texts a human rights focus based on universal standards related to freedom of religion or belief, freedom of expression and other fundamental freedoms. Religious tolerance as well as inter-cultural and interreligious dialogue must be promoted in a human rights perspective, ensuring respect of freedom of religion or belief, freedom of expression and other human rights and fundamental freedoms.

62. The EU will continue to cooperate with existing UN early warning mechanisms including regarding violence based on religion or belief, and will encourage the exchange of best practices.

63. EU Member States will draw attention, as appropriate, to freedom of religion or belief in the Universal Periodic Review of the UN Human Rights Council. The implementation of recommendations accepted by the state under review will be monitored and supported as appropriate.

64. The EU will also build on the content of the UN resolutions on "freedom of religion or belief", as well as relevant concluding observations of UN treaty monitoring bodies and recommendations of special rapporteurs in its bilateral engagement with partner countries.

65. The EU will promote initiatives at the level of OSCE and the Council of Europe and contribute to better implementation of commitments in the area of freedom of religion or belief. Regular exchanges will be organised with these organisations. Particular attention shall be paid to engagement with OSCE and Council of Europe countries that are not EU Member States.

66. The EU will step up its engagement with other regional organisations and regional human rights mechanisms across the world, on the promotion and protection of freedom of religion or belief.

*7. **Training***

67. The EEAS, in coordination with Member States and in co-operation with civil society including churches and religious associations, philosophical and non-confessional organisations, will develop training materials for staff in the field and in headquarters. Materials will be made available to Member States and EU institutions. Training will be practical in its orientation, focused on enabling EU missions to use EU tools for analysis and reporting effectively so as to highlight EU thematic priorities and respond to violations.

III. Implementation and Evaluation

68. The EU will further strengthen its cooperation with the Office of the United-Nations High Commissioner for Human Rights and the UN Special Rapporteur on freedom of religion or belief. The EU will engage with international organisations on freedom of religion or belief. The EU will strengthen its exchanges with regional expert bodies on freedom of religion or belief, such as the Council of Europe (including the Venice Commission), the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Co-operation in Europe (OSCE), as well as with relevant regional and national bodies tasked with the promotion and protection of freedom of religion and belief.

69. COHOM and its Task Force on Freedom of religion or belief will support the implementation of the Guidelines while involving, when appropriate, geographic Council working groups. It will develop additional guidance for action for EU missions, in particular regarding systemic issues and individual cases. It will adopt "lines to take" documents on key questions and topical issues when necessary.

70. COHOM will evaluate the implementation of these guidelines after a period of three years, inter alia on the basis of the reports submitted by Heads of Mission and after consultation with civil society and relevant academic experts. Consultation of civil society should involve human rights defenders, NGOs including domestic and international human rights and women's organisations. This consultation will involve churches and religious associations, philosophical and non-confessional organisations in the context of the open, transparent and regular dialogue held under article 17 of the Treaty on the Functioning of the European Union.

71. Regular exchanges of views will be held with the relevant committees, sub committees and working groups of the European Parliament on the implementation, evaluation and review of these guidelines.

Non-exhaustive list of international norms, standards and principles
the EU may invoke or use in contacts with third countries

United Nations

Treaties:

1948 – Convention on the Prevention and Punishment of the Crime of Genocide

- Article II – Defintion of "genocide"

1951 – Convention Relating to the Status of Refugees

- Article 1 – Definition of "refugee"
- Article 3 – Non-discrimination
- Article 4 – Religion
- Article 33 – Prohibition of refoulement

1954 – *Convention relating to the Status of Stateless Persons*

- Article 3, 4

1966 – *International Covenant on Civil and Political Rights*

- Articles 2, 4,18, 20, 24, 26, 27

1966 – *International Convention on the Elimination of Racial Discrimination*

- Article 5

1966 – *International Covenant on Economic, Social and Cultural Rights*

- Article 2, 13

1979 – Convention on the Elimination of All Forms of Discrimination against Women

- Article 2

1989 – *United Nations Convention on the Rights of the Child*

- Articles 2, 14, 20, 29, 30

Declarations:

1948 – *Universal Declaration of Human Rights*

- Articles 2, 16, 18, 26

1981 – *Declaration on the Elimination of All forms of Intolerance and of Discrimination Based on Religion or Belief 1986 – Declaration on the Right to Development*

- Article 6

1992 – Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

2007 – United Nations Declaration on the Rights of Indigenous Peoples

General Comments

1993 – Human Rights Committee - General Comment n°22: The right to freedom of thought, conscience and religion (Art. 18)

1994 – Human Rights Committee – General Comment No. 23: The rights of minorities (Art. 27)

2011 – Human Rights Committee – General Comment n°34 : Freedoms of opinion and expression (Art. 19)

Regional standards

It should be noted that some regional standards offer limited or insufficient protection to freedom of religion or belief in comparison to international standards. EU staff should be aware of such limitations when referring to them.

Council of Europe

1950 – Convention for the Protection of Human Rights and Fundamental Freedoms.
- Article 9 – Freedom of thought, conscience and religion
- Article 10

1952 – Protocol n°1 (to above)
- Article 14 –Prohibition of discrimination
- Article 2 – Right to education

2000 – Protocol n°12 (to above)
- Article 1 – General Prohibition of Discrimination

1995 – Framework Convention for the Protection of National Minorities
- Articles 4.1, 5, 6, 7, 8, 12, 17

2006 – Commentary on education (under the above)
1997 – European Convention on Nationality
- Article 5 – Non-Discrimination

2006 – Council of Europe Convention on the Avoidance of Statelessness in relation to State-Succession
- Article 4 – Non-Discrimination

2011 – Council of Europe Convention on preventing and combating violence against women and domestic violence
- Articles 4, 12, 32, 37, 38, 42

2000 – ECRI General Policy Recommendation n°5: Combating intolerance and discrimination against Muslims
2002 – ECRI General Policy Recommendation n°7: National legislation to combat racism and racial discrimination
2004 – ECRI General Policy Recommendation n°9: The fight against anti-Semitism
2004 – Council of Europe Venice Commission / OSCE "Guidelines for Review of Legislation Pertaining to Religion or Belief".

Organisation for Security and Co-operation in Europe (OSCE)

Helsinki Final Act 1975 – Basket 1, principle 7
Concluding document of Vienna follow-up meeting 1989 – Articles 11, 13,16, 17, 19, 20, 32, 59, 63, 68
1989 – Vienna Concluding Document – Principles 13, 16 and 17.
2004 – Council of Europe Venice Commission / OSCE "Guidelines for Review of Legislation Pertaining to Religion or Belief".
2007 – OSCE – Toledo principles on teaching about religions and beliefs in public schools Prepared by the ODHIR Advisory Council of Experts on Freedom of Religion or Belief

Organisation of American States (OAS)

1969 – American Convention on Human Rights ('Pact of San José', Costa Rica)
- Article 1 – Obligation to respect rights.
- Article 12 – Freedom of Conscience and Religion.
- Article 13 – Punishment of advocacy of religious hatred.
- Article 16 – Freedom of Association
- Article 22 – Freedom of Movement and Residence.

1988 – Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador).
- Article 3 – Obligation of Non-discrimination

1994 – Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women ('Convention of Belém Do Para')
- Article 4

African Union (AU)

1969 –Convention Governing the Specific Aspects of Refugee Problems in Africa.
- Article IV – Non-discrimination.

1981 – African Charter on Human and Peoples' Rights
- Articles 2, 8

1990 – African Charter on the Rights and Welfare of the Child.
- Article 1 – Obligation of State Parties.
- Article 3 – Non-Discrimination.
- Article 9 – Freedom of thought, conscience and religion.
- Article 11 – Education.
- Article 25 – Separation from Parents.
- Article 26 – Protection against discrimination.

League of Arab States

2004 – Arab Charter on Human Rights
- Articles 3, 4, 25, 30, 34

ASEAN

2012 – ASEAN Human Rights Declaration
- Article 22

The Commonwealth

2013 – Charter of Human Rights
- Section IV – Tolerance, Respect and Understanding

European Union and Member States

Treaty on European Union

- Article 6

Treaty on the Functioning of the European Union

- Article 11
- Article 17

2000 – Charter of Fundamental Rights of the European Union.

- Article 10 – Freedom of thought, conscience and religion.
- Article 14 – Right to education
- Article 21 – Non-discrimination.
- Article 22 – Cultural, religious and linguistic diversity.

2006 - EU Equal Treatment Directive
2008 - EU Framework decision on combating racism and xenophobia
2009 - Council Conclusions on freedom of religion or belief, 16 November 2009
2011 - Council Conclusions on intolerance, discrimination and violence on the basis of religion or belief, 21 February 2011.
2011 – Council Conclusions on Conflict Prevention, 20 June 2011.
2009 – EU Concept on strengthening EU mediation and dialogue capacities
2009 - Freedom of Religion or Belief – how the FCO can help promote respect for this human right (UK toolkit on freedom of religion or belief)